

IC 15-4-4

Chapter 4. Regulation of Sale and Transfer of Plant Cultures

IC 15-4-4-1

Statements; certificate for registration; permits; grounds for refusal or cancellation of permit

Sec. 1. Before any pure or mixed cultures of micro-organisms or materials used for promoting plant growth are sold or offered for sale in the state of Indiana, the manufacturer, dealer, importer, agent or person who causes such materials to be sold or offered for sale, by sample or otherwise, within the state of Indiana, shall file with the state chemist a statement that he desires to offer for sale in the state of Indiana such materials, and also a certificate for registration, stating the name of the manufacturer, the location of the principal office of the manufacturer, the name under which the product will be sold, the name or names of the plants for which the product is to be used, the composition of the substance, and the kinds of micro-organisms contained therein which promote the growth of plants, and shall secure a permit therefor from the state chemist. The state chemist is hereby empowered to refuse to issue a permit to any applicant, or to cancel such a permit which has been issued, whenever he is satisfied that any culture of micro-organisms or any other material used for promoting the growth of plants is sold under false or misleading claims.

(Formerly: Acts 1937, c.281, s.1.)

IC 15-4-4-2

Labels

Sec. 2. Every person who shall manufacture, offer for sale, sell or expose for sale, by sample or otherwise, any pure or mixed culture of micro-organisms or materials used for promoting plant growth shall affix or cause to be affixed to every package or sample of such material, in a conspicuous place on the outside, thereof, a label on which shall be plainly printed, in the English language, the name of the manufacturer, the location of the principal office of the manufacturer, the name under which the product is sold, the name or names of the plants for which the product is to be used, the composition of the substance, and the kinds of micro-organisms contained therein which promote the growth of plants.

(Formerly: Acts 1937, c.281, s.2.)

IC 15-4-4-3

Sale without registration or label; false label; violation; experimental use

Sec. 3. A person who offers for sale or sells, by sample or otherwise any package or sample or any quantity of any pure or mixed culture of microorganisms or materials used for promoting plant growth which does not have affixed to it the label prescribed in this chapter, labels such a substance with a false or inaccurate label, or offers for sale or sells any such substance which has not been registered with the state

chemist, as provided in this chapter, commits a Class C infraction. This chapter does not prevent the state chemist, the Purdue University office of agricultural research programs, or any person deputized by the state chemist from making experiments with any pure or mixed cultures of microorganisms or materials used for promoting plant growth, for the advancement of the science of agriculture.

(Formerly: Acts 1937, c.281, s.3.) As amended by Acts 1978, P.L.2, SEC.1524; P.L.40-1993, SEC.27.

IC 15-4-4-4

Fees

Sec. 4. For the purpose of defraying the expenses incurred in registering, inspecting, and analyzing pure or mixed cultures of microorganisms or materials used for promoting plant growth, the state chemist shall charge, collect and receive the sum of twenty-five dollars (\$25) for each such material or culture, so registered, at the time of registering such pure or mixed culture of microorganisms or other material and the sum of twenty-five dollars (\$25) on or before the fifteenth day of January of each year thereafter, so long as such pure or mixed cultures of microorganisms or material is sold or distributed or offered or exposed for sale in the state of Indiana. The money provided for herein shall be forwarded to the treasurer of Purdue University, who shall expend the same, on proper vouchers, to be filed with the auditor of state, in meeting all necessary expenses incurred in carrying out the provisions of this chapter, including the employment of inspectors, chemists, and bacteriologists, the expenses incurred in procuring samples, printing bulletins, giving the results of inspections, as provided for by this chapter, and for any other expenses of Purdue University agricultural programs, as authorized by law and in support of the purposes of this chapter. The dean of agriculture of Purdue University shall make to the governor an annual classified report showing the total receipts and expenditures of all fees received under the provisions of this chapter.

(Formerly: Acts 1937, c.281, s.4.) As amended by P.L.183-1983, SEC.87; P.L.40-1993, SEC.28.

IC 15-4-4-5

Taking samples

Sec. 5. The state chemist or any person by him deputized is hereby empowered to procure a suitable sample, from any lot, parcel or package of any pure or mixed cultures of micro-organisms or materials used for promoting plant growth which is offered for sale or found in the state of Indiana. Such sample shall be drawn or taken during reasonable business hours, and in the presence of the owner of the product or of some person claiming to represent the owner.

(Formerly: Acts 1937, c.281, s.5.)

IC 15-4-4-6

Unlawful interference with inspection or taking samples

Sec. 6. A person who prevents the state chemist or any person deputized by the state chemist from inspecting and obtaining samples

of any such pure or mixed cultures of micro-organisms or materials, as provided for in this chapter, commits a Class C infraction.
(Formerly: Acts 1937, c.281, s.6.) As amended by Acts 1978, P.L.2, SEC.1525.

IC 15-4-4-7

Rules and regulations; authority to refuse permit or registration or to cancel registration; grounds

Sec. 7. The state chemist is hereby empowered to prescribe and enforce such rules and regulations as he may deem necessary to carry into effect the full intent and meaning of this chapter and to refuse to issue a permit to any applicant, or refuse to register any such product, or to cancel the registration of any pure or mixed cultures of microorganisms or materials used for promoting plant growth, under a name which he is satisfied would be misleading as to the materials of which it is made, or when he is satisfied that it is sold under false or misleading claims.

(Formerly: Acts 1937, c.281, s.7.) As amended by P.L.183-1983, SEC.88.

IC 15-4-4-8

Repealed

(Repealed by Acts 1978, P.L.2, SEC.1549.)

IC 15-4-4-9

Exceptions

Sec. 9. The provisions of this chapter shall not apply to commercial fertilizers, barnyard manure, marl, lime, wood ashes, or plaster.

(Formerly: Acts 1937, c.281, s.9.) As amended by P.L.183-1983, SEC.89.

IC 15-4-4-10

"Persons" defined

Sec. 10. The term "persons", as used in this chapter, means an individual, firm, limited liability company, corporation, trustee, receiver, or assignee for the benefit of creditors.

(Formerly: Acts 1937, c.281, s.10.) As amended by P.L.183-1983, SEC.90; P.L.8-1993, SEC.234.